

HOUSE BILL REPORT

HB 2739

As Reported by House Committee On: Transportation

Title: An act relating to the enforcement of certain school or playground crosswalk violations.

Brief Description: Concerning the enforcement of certain school or playground crosswalk violations.

Sponsors: Representatives Simpson, Pearson, Lias, Rodne, Hope, Sullivan, Priest, Wallace, Dammeier, Kristiansen and Chase.

Brief History:

Committee Activity:

Transportation: 1/28/10, 2/3/10 [DPS].

Brief Summary of Substitute Bill

- Doubles the penalty for violations related to crosswalks that occur within a school, playground, or crosswalk speed zone, and deposits 50 percent of the penalty associated with the violations into the School Zone Safety Account.
- Allows a crossing guard who is 18 years old or older to report violations related to crosswalks that occur within a school, playground, or crosswalk speed zone to law enforcement, which may investigate and issue a violation if appropriate.

HOUSE COMMITTEE ON TRANSPORTATION

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 27 members: Representatives Clibborn, Chair; Lias, Vice Chair; Roach, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Armstrong, Campbell, Dickerson, Driscoll, Eddy, Ericksen, Finn, Flannigan, Herrera, Johnson, Klippert, Kristiansen, Moeller, Morris, Nealey, Rolfes, Sells, Shea, Springer, Takko, Upthegrove, Williams and Wood.

Staff: David Munnecke (786-7315).

Background:

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

School and playground speed zones, which limit traffic speed to 20 miles per hour, extend 300 feet from either side of a marked school or playground crosswalk when speed limit signs indicating the existence of the zone are clearly posted. Fines for violating the speed limit in either a school or playground speed zone are doubled and the fine may not be waived, reduced, or suspended. Half of the fines collected from school and playground speed zone penalties are required to be deposited into the School Zone Safety Account (account). The expenditures from the account may only be used by the Washington Traffic Safety Commission to fund projects in local communities to improve school zone safety, pupil transportation safety, and student safety in school bus loading and unloading areas.

The operator of a motor vehicle must stop to allow a pedestrian or bicyclist to cross the roadway in a marked or unmarked crosswalk when the pedestrian or bicyclist is upon or within one lane of the half of the roadway upon which the vehicle is travelling. Whenever a vehicle stops pursuant to this requirement, the driver of another vehicle approaching from the rear may not overtake and pass the vehicle. The driver of a vehicle must also exercise due care to avoid colliding with a pedestrian, and yield the right of way to a pedestrian or bicyclist on the sidewalk.

A school bus driver may report a school bus stop law violation to a law enforcement agency, but must do so within 72 hours after the violation occurred. The report must include the time and location of the violation, and a description of the vehicle involved in the violation, including its license plate number. Law enforcement officers must initiate an investigation of the reported school bus stop law violation within 10 working days after receiving the report. However, failure to investigate within the 10-day period does not prohibit further investigation or prosecution. The investigating officer must contact the owner of the vehicle involved in the reported violation and ask the owner to identify the driver. If the officer is able to identify the driver and has reasonable cause to believe a violation has occurred, the officer must issue a notice of traffic infraction to the driver.

Summary of Substitute Bill:

A vehicle driver who commits an infraction by failing to stop for a pedestrian or bicyclist within a crosswalk that is marked with school or playground speed zone signs receives twice the scheduled penalty for the infraction. In addition, a vehicle driver in a school or playground speed zone receives twice the scheduled penalty if the driver commits an infraction by failing to exercise due care to avoid colliding with a pedestrian or failing to yield the right of way to a pedestrian or bicyclist on the sidewalk. The penalties for these infractions may not be waived, reduced, or suspended. Fifty percent of the money collected from the infractions is deposited into the account.

School districts may erect signs informing motorists of the monetary penalties assessed for the school and playground speed zone infractions related to pedestrians and bicyclists.

A crossing guard who is 18 years of age or older may report a crosswalk violation in a school, crosswalk, or playground speed zone to a law enforcement agency, but must do so within 72 hours after the violation occurred. The report must include the time and location of

the violation, and a description of the vehicle involved in the violation, including its license plate number. Law enforcement officers must initiate an investigation of the reported violation within 10 working days after receiving the report. However, failure to investigate within the 10-day period does not prohibit further investigation or prosecution. The investigating officer must contact the owner of the vehicle involved in the reported violation and ask the owner to identify the driver. If the officer is able to identify the driver and has reasonable cause to believe a violation has occurred, the officer must issue a notice of traffic infraction to the driver.

Substitute Bill Compared to Original Bill:

The substitute bill limits a crossing guard's ability to report violations related to crosswalks to crossing guards who are 18 years old or older, and makes technical changes to take into account limitations in the computer system involved in the issuance of traffic violations.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill takes effect on July 1, 2010.

Staff Summary of Public Testimony:

(In support) Accidents that involve children and cars always end poorly for the children. This bill is needed to help stop these types of accidents from occurring.

This bill is designed to allow adult crossing guards to report crosswalk violations that occur in their presence. These crossing guards are often ignored by drivers when they attempt to stop traffic. This bill is based on a more than decade-old law that doubled the fine for passing a school bus when it was loading or unloading passengers, and allowed for the reporting of violations of the law by bus drivers. People used to ignore the stop signs on the sides of buses and get nothing but a letter. Now people can get a ticket, and the number of violations has decreased.

Crossing guards have been hit themselves while on duty because drivers often ignore the various warning signs that are posted and drive right through an occupied crosswalk. This bill is a good start in preventing this.

There is new emphasis on children walking to school, so we as a society need to make sure that it is safe for them to do so. Parents are often unwilling to let kids walk or bike to school because of the chaos that surrounds the schools. The bad drivers causing this chaos need to be called to account.

The revenue from school zone speeding tickets is currently decreasing, which is actually a good sign because it means fewer people are doing it. The money that goes into the account,

which would include half the money from the penalties created under this bill, is used for everything from uniforms to sign installation.

(Opposed) None.

Persons Testifying: Representative Simpson, prime sponsor; Doug Nelson, Public School Employees of Washington; Linette Lasher, Federal Way School District; April Hurlbert, Auburn School District; Alan Jones, Office of the Superintendent of Public Instruction; Steve Lind, Washington Traffic Safety Commission; and Todd Boulanger, Bike Me.

Persons Signed In To Testify But Not Testifying: None.